



136 N. MONROE STREET, WATERLOO, WI 53594  
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**PUBLIC NOTICE OF A COMMITTEE MEETING  
OF THE COMMON COUNCIL OF THE CITY OF WATERLOO**

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and to the news media, that the following meeting will be held.

**COMMITTEE: Public Safety & Health Committee**

**DATE: Thursday, March 6, 2014**

**TIME: 5:30 p.m.**

**LOCATION: Police Training Room, Municipal Building, 136 N. Monroe Street**

1. Call To Order & Roll Call
2. Meeting Minutes Approval: December 5, 2013 and January 2, 2014 (no meeting minutes) and February 6, 2014
3. Citizen Input
4. New Business
  - a. Residency Requirements for Officer Rupprecht
  - b. Application for Special Event or Entertainment License – Midwest Athletes Against Childhood Cancer Inc. (MACC Fund) On June 7, 2014 \*\*\*
  - c. Interpreting 126-2 Keeping Of Poultry and Livestock To Mean A Prohibition On Pot-bellied Pigs In Residential Districts
  - d. Review Of Legal Services, Neuberger, Wakeman, Lorenz, Griggs & Sweet **Note:** [The Committee may convene to closed session. The statutory exception for the closed session is Wis. Statute 19.85(1)(f) "Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific person except where par (b) applies, which if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations." Upon conclusion of the closed session the Committee will reconvene in open session.]

**5. Future Agenda Items And Announcements**

**6. Adjourn**

Morton Hansen, Clerk/Treasurer

\*\*\* See Council Packet

Committee Members: Cotting, Van Holten, and Reynolds

Printed, Posted, Emailed and Distributed: March 3, 2014

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk's office at the above location.

02/17/2014

Officer Rupprecht

Per The Agreement between the City of Waterloo and the Waterloo Professional Police Association. Article 12 States you are required to live within 15 miles of the City of Waterloo from his/her hire date. Chief Thomas granted you an extension not knowing if we would lose a position within the Department at the end of 2013. You agreed to those terms and are obligated by contract to live within 15 miles of the City of Waterloo. I have granted you till 07/01/2014 to move within 15 miles of the City of Waterloo.

Chief Denis P. Sorenson

*Chief Denis P. Sorenson*

## City Hall

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**From:** Luann Alme [lalme@wppa.com]  
**Sent:** Monday, February 24, 2014 9:12 AM  
**To:** City Hall  
**Subject:** FW: Letter to Waterloo Ofc. Rupprecht ref residency  
**Attachments:** Letter to WPD Ofc. Rupprecht.pdf

Mo –

Here is the letter that Officer Rupprecht received from Dennis Sorenson. Please let me know when this might go to a committee/council as I would like to be present at the meeting(s).

Thanks!

Luann

*Luann J. Alme*  
Business Agent  
Wisconsin Professional Police Association

## City Hall

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**From:** City of Waterloo, Mayor [mayor@waterloowi.us]  
**Sent:** Monday, February 24, 2014 11:20 AM  
**To:** 'City Hall'  
**Subject:** RE: Letter to Waterloo Ofc.Rupprecht ref residency

Okay to set it for action on the 6<sup>th</sup>, but how was Tim able to grant an extension without going through the appropriate channels? I don't recall the initial action granting an exemption to the residency requirement but even if it was granted, the Chief doesn't have the authority to unilaterally grant an extension.

**From:** City Hall [mailto:cityhall@waterloowi.us]  
**Sent:** Monday, February 24, 2014 10:17 AM  
**To:** Bob Thompson Traveling; City of Waterloo, Mayor  
**Cc:** [cottingel@gmail.com](mailto:cottingel@gmail.com)  
**Subject:** FW: Letter to Waterloo Ofc.Rupprecht ref residency

Bob,

I received a call from Luann Alme about a letter Officer Rupprecht received from the Lieutenant regarding the contract and residency requirement.

In 2013 Tim gave a verbal extension without Council approval. He didn't send Rupprecht letter. On February 17, 2014 the Lieutenant sent the attached letter to Rupprecht. Luann is calling for action per the terms of the contract which state that an extension is granted by Council action.

I do not see any such Council action on file. I would recommend that this item be before the Public Safety & Health Committee on March 6<sup>th</sup>.

**Mo Hansen**  
Clerk/Treasurer

**From:** Luann Alme [mailto:lalme@wppa.com]  
**Sent:** Monday, February 24, 2014 9:12 AM  
**To:** City Hall  
**Subject:** FW: Letter to Waterloo Ofc.Rupprecht ref residency

Mo –

Here is the letter that Officer Rupprecht received from Dennis Sorenson. Please let me know when this might go to a committee/council as I would like to be present at the meeting(s).

Thanks!

Luann

*Luann J. Alme*  
Business Agent  
Wisconsin Professional Police Association

AGREEMENT BETWEEN THE  
CITY OF WATERLOO  
AND THE



WATERLOO PROFESSIONAL POLICE ASSOCIATION

Wisconsin Professional Police Association

Law Enforcement Employee Relations Division

2012 - 2014

1 (E) The Arbitrator shall render a decision within thirty (30) days of the close of the hearing or  
2 within thirty (30) days of receipt of the last briefs filed in connection with said hearing.

3  
4 Section 11.05 Exclusive Remedy of Complaint

5 The grievance procedure set forth herein shall be the exclusive remedy for any complaint of any  
6 employee as to any matter involving the interpretation or application of this agreement.

7  
8 ARTICLE XII - RESIDENCY

9  
10 An employee shall be required to live within fifteen (15) miles of the City of Waterloo within  
11 one year of his/her hire date, except as granted by the Common Council of the City.

12  
13 ARTICLE XIII - HOURS OF EMPLOYMENT

14  
15 Section 13.01 Normal Work Day and Week

16 The normal work day shall consist of an eight (8) hour shift. The normal work week shall  
17 average forty (40) hours per week based on a fifty-two week year.

18  
19 Section 13.02 Normal Work Schedule

20 (A) The normal work schedule shall be six (6) work days and two (2) days off, four consecutive  
21 times (6-2 four times), six (6) work days and three (3) days off (6-3), and five (5) work days and  
22 three (3) days off (5-3), subject to section 13.02(B) below.

23  
24 (B) When full staffing levels of the police department are reached, the City and the Association  
25 agree to meet and discuss the implementation of a work schedule change.

*City of Waterloo, WI  
Monday, March 3, 2014*

## Chapter 126. ANIMALS

### § 126-2. Keeping of poultry and livestock.

**[Amended by Ord. No. 96-1]**

No person shall keep or maintain any poultry or fowl or any livestock, such as horses, cattle, sheep or goats, in any zoning district except agricultural districts, except that ponies and horses may be permitted in any residential district as a conditional use provided that the residential parcel contains at least two acres of land which is designated "floodplain" per animal available for pasture, maintenance or running of said animal, and further provided that any such animals are contained within a fence, no part of which is closer than 200 feet to any residence other than the residence of the owner of the animals.

## City Hall

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**From:** Timothy D. Fenner [TFenner@axley.com]  
**Sent:** Monday, March 03, 2014 10:15 AM  
**To:** 'City Hall'  
**Cc:** Andrea V. Roth  
**Subject:** RE: Pets in residential districts and pot-bellied pigs

Mo:

Good morning! The issue presented is whether or not a potbellied pig may be kept within the city limits.

Chapter 126 of the Waterloo code relates to "animals". That chapter uses a number of words in any number of contexts. For example, the general rule is that no person having in his possession or under his control "any animal or fowl", shall allow the same to run at large. There's another rule: No person shall keep or maintain "any poultry or fowl or any livestock " in any zoning district, except agricultural districts. Additionally, Dogs must be licensed.

The task is to apply chapter 126 to potbellied pigs. Pigs are certainly animals. However, are they "livestock "for purposes of the ordinance.? The code does not define the term livestock. A dictionary definition defines livestock as "animals kept or raised for use or pleasure; especially: farm animals kept for use and profit ." That definition is incredibly broad, and would include many animals which the ordinary person would not consider to be livestock eg. . a lion cub kept for "pleasure" can be an animal kept for pleasure but one would not consider it to be livestock . Fortunately, I think that Wisconsin statutes provide some clarity. It should be noted that Chapter 126 of the Waterloo code is intended to implement a number of provisions of chapter 174 of the Wisconsin statutes. That is the chapter entitled "Dogs ". Although the chapter focuses on dogs, it does discuss other issues and does use the term "livestock ". Section 174.001 (3) Stats defines livestock as "... any horse, bovine, sheep, goat, pig, llama, alpaca, domestic rabbit, farm raised deer .... or domestic fowl ...." Using this definition, a potbellied pig is certainly livestock; and would be prohibited under the ordinance.

As you know, many municipalities around the state have faced the issue of allowing chickens and/or potbellied pigs to be kept as pets and/or providing for personal consumption of agricultural products. In order to do so, municipalities have routinely amended their ordinances to address the specific uses. At this point in time, if the city of Waterloo is contemplating allowing poultry and/or pigs, I believe that it's ordinances have to be amended to specifically address those animals and all of the attendant issues that will arise from the activities of these animals.

**Attorney Timothy D. Fenner**  
Axley Brynelson, LLP  
d: 608.283.6733 | c: 608.219.8169  
TFenner@axley.com

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**From:** City Hall [mailto:cityhall@waterloowi.us]  
**Sent:** Monday, March 03, 2014 9:18 AM  
**To:** Timothy D. Fenner  
**Cc:** dpsorenson@waterloowi.us  
**Subject:** FW: Pets in residential districts and pot-bellied pigs

Tim,

Can you offer a legal opinion on whether or not pot-bellied pigs kept as pets are prohibited in the City of Waterloo. We have a meeting of the Public Safety & Health Committee Thursday at 7:00 p.m., a reply in advance of that evening meeting would be appreciated.

In summary: I've put forward the information below. The Mayor is recalling a past interpretation different than what I've told the public. Lieutenant Sorenson forwarded the attached definition this morning which includes hogs as livestock.

-Mo

**From:** City Hall [mailto:cityhall@waterloowi.us]  
**Sent:** Friday, February 28, 2014 3:32 PM  
**To:** 'Robert Thompson'  
**Subject:** RE: Pets in residential districts and pot-bellied pigs

Got it.

-Mo

**From:** Robert Thompson [mailto:zip53594Mayor@hotmail.com]  
**Sent:** Friday, February 28, 2014 3:24 PM  
**To:** City Hall  
**Subject:** Re: Pets in residential districts and pot-bellied pigs

Mo,

Refer this to the public safety committee. In the past I know pot bellied pigs have been specifically prohibited. Maybe they need to amend the ordinance to address this before someone does move into the City with a pig.

Bob

Sent from my iPad

On Feb 28, 2014, at 9:31 AM, "City Hall" <cityhall@waterloowi.us> wrote:

Denis,

A note on pot-bellied pigs as pets (below is a link to the code online). This week seems to be the week for questions about animals. We've been fielding several.

1. The inquiries about hens have been replied to stating that the keeping of fowl is prohibited.
2. This morning another individual considering moving to Waterloo called regarding keeping a pot-bellied pig as a pet in a residential district. The answer we have consistently given over time for a pig as

a pet is that the prohibitions listed in 126-2 don't cover a hog kept as a pet. And the pet may not be kept for kept for meat or for profit.

It comes down to the definition of the work livestock. The ordinance does not mention pigs or hogs, but does specifically mention other animals. Additionally, the dictionary definition of livestock is: "Domestic animal such cattle or horses, raised for home use or profit." (American Heritage Dictionary).

Because the households that have inquired on this topic are keeping the pig as a pet and not for slaughter or for profit, and the animal type is not specifically referenced as prohibited, I have replied to the person today and to persons asking in times past, that a pot-bellied pig as pet is not prohibited.

THE TEXT FROM 126-2... "No person shall keep or maintain any poultry or fowl or any livestock, such as horses, cattle, sheep or goats, in any zoning district except agricultural districts, except that ponies and horses may be permitted in any residential district as a conditional use..."

NOTE... In every case those asking are made aware that animals may not run at large and must be kept under control.

Chapter 126: ANIMALS

§ 126-2 Keeping of poultry and livestock.

<http://ecode360.com/9837986>

**Mo Hansen**

Clerk/Treasurer

City of Waterloo

136 North Monroe Street

Waterloo, WI 53594-1198

email - [cityhall@waterloowi.us](mailto:cityhall@waterloowi.us)

website - <http://www.waterloowi.us>

voice - 920-478-3025

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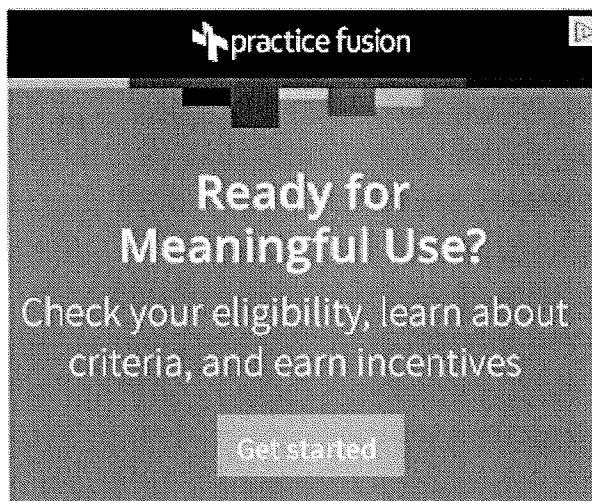
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## Livestock Law & Legal Definition



Livestock is usually defined to refer to horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats and pigs. States regulate livestock to promote health and welfare and prevent damage and injury caused by their uncontrolled roaming on others' property. There often are statutes that regulate the obligations of livestock owners to keep their livestock off of public highways and that provide for

liability when livestock wander onto the public road and collide with a motor vehicle or railway train.

The following is an example of a state statute regulating livestock:

- a. " The owner of such livestock or animal being or running at large upon the premises of another or upon the public lands, roads, highways or streets in the State of ... shall be liable for all damages done to crops, shade or fruit trees or ornamental shrubs and flowers of any person, to be recovered before any court of competent jurisdiction; provided, that

the owner of any stock or animal shall not be liable for any damages to any motor vehicle or any occupant thereof suffered, caused by or resulting from a collision with such stock or other animal, unless it be proven that such owner knowingly or willfully put or placed such stock upon such public highway, road or street where such damages were occasioned.

- b. The judgment of the court against the owner of such livestock or animal so depreddating shall be a lien superior to all other liens on the livestock or animal causing the damage, except as to taxes."

#### Definition List

[Livery of Seisin](#)  
[Livery Conveyance](#)  
[Livelihood](#)  
[Live-in Aide](#)  
[Litvinov Assignment](#)  
 » [Livestock](#)  
[Livestock Depredation Area](#)  
[Living Benefits \(Health Care\)](#)  
[Living Constitution](#)  
[Living Matter \[Patent Law\]](#)  
[Living Quarters Allowance \[LOA\]](#)

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Terms with 'Livestock'  
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